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BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Alternative Telecommunications Utility-Other Telecommunications
Provider Annual Reports for the Year Ended December 31, 2003, Filed by
Competitive Local Exchange Carriers and Video Distance Learning Providers
on a Confidential Basis

INFORMATION REGARDING CONFIDENTIAL FILINGS

Introduction

This information is being provided to assist competitive local exchange carriers (CLECs or AECs) and certain video distance learning providers (VDLs) who wish to request confidential handling of portions of their 2003 Alternative Telecommunications Utility-Other Telecommunications Provider (OTH) annual reports. The statutory filing date for the OTH annual report covering 2003 calendar-year operations is April 1, 2004;¹ 141 CLEC and VDL entities are required to file this report for the 2003 calendar year. The Commission has the authority to compel the filing of this annual report pursuant to Wis. Stat. § 196.07.²

Filing Process

The 2003 OTH annual report is contained in the 2003 Annual Report Program for Alternative Telecommunications Utility-Other Telecommunications Providers. A number of changes from the 2002 OTH annual report are reflected in the 2003 OTH report. They are as follows:

¹ Due to the delay in the release of the 2003 OTH annual report program, the due date for the 2003 OTH annual report was extended to May 3, 2004.

² Wis. Stat. § 196.07 provides in part: (1) Each public utility shall close its accounts annually on December 31 and promptly prepare a balance sheet of that date. On or before the following April 1 every public utility shall file with the commission the balance sheet together with any other information the commission prescribes, verified by an officer of the public utility. The commission, for good cause shown, may extend the time for filing the balance sheet and prescribed information.

Information Regarding 2003 OTH Annual Report Confidential Filings

1. All dollar amounts should be reported to the nearest thousand dollars (in 000's). (Example: \$130,000 should be reported as \$130.)
2. A new schedule, Number of Lifeline and Linkup Customers, was added to the report.
3. Two new contacts were added to the Identification and Ownership schedule: Primary utility contact (located at utility address), and Contact person for regulatory inquiries and complaints.
4. A Nonregulated Revenues category was added to the Operating Revenues schedule.
5. The 2003 OTH report contains the ability for the user to request provisional confidential treatment for those items granted provisional confidential treatment in the Commission's February 24, 2003, Information Regarding Confidential Filings decision concerning the 2002 OTH report, as supplemented for the new Nonregulated Revenues category on the Operating Revenues schedule.

For the 2003 OTH annual report program, which was released on March 8, 2004, the Commission has continued a paperless-filing process. The 2003 OTH program contains capability allowing users to file selected portions of the report on a provisional confidential basis as noted in item 5 above.³ Unless a CLEC or VDL entity desires additional provisional confidential treatment of any portion of the 2003 OTH annual report, all 2003 OTH annual report

³ The 2003 OTH annual report program contains padlocks allowing users to file selected information on a confidential basis. However, a particular item is only accorded provisional confidential treatment if the padlock associated with that item is locked.

Information Regarding 2003 OTH Annual Report Confidential Filings

filings must be accomplished via the 2003 OTH annual report program's e-mail capabilities with an encrypted, zipped attachment containing the exported 2003 annual report information, together with an export status report, edit check listing, and listing of schedules with confidential locks.⁴

Filing of the 2003 OTH annual report using the 2003 OTH annual report program will result in the remaining portions of the report being available on a public basis. Any CLEC or VDL entity wishing to file additional portions of its 2003 OTH annual report on a confidential basis should contact Commission staff concerning the particular procedures which must be followed for a manual annual report filing. Any CLEC or VDL entity wishing additional confidential handling must submit a request, in accordance with Wis. Admin. Code § PSC 2.12, with their manual filing. Subsequent to such manual filing, the Commission will issue a confidentiality determination in accordance with the rule. If the Commission denies a request for confidential handling, the information will be handled confidentially until 14 days after the determination, after which it will be posted on the Commission's website along with the remainder of the annual report.

Previous Confidentiality Rulings

In its Information Regarding Confidential Filings decision dated February 24, 2003, provisional confidential treatment was granted for all CLEC and VDL entities with respect to selected schedules and identified information.

⁴ Use of the 2003 OTH annual report program filing process requires neither the filing of a completed Confidentiality Request form nor a notarized affidavit. Program instructions direct that if a user desires additional provisional confidential treatment above that provided in the OTH annual report form, the user should not electronically file the annual report. Instead, the user should contact Commission staff concerning required manual filing procedures.

Information Regarding 2003 OTH Annual Report Confidential Filings

Based on the authority delegated to the Administrator of the Telecommunications Division on March 11, 2004, provisional confidential treatment is granted for items contained in the Nonregulated Revenues category on the Operating Revenues schedule.

Based on the above, the complete list of items eligible for provisional confidential treatment in the 2003 OTH annual report program consists of the following schedules and identified information:

1. Operating Revenues Schedule (pp. 14-15).
 - a. Miscellaneous Revenues descriptions, other than Video Distance Learning and Directory, contained in the Particulars column;
 - b. Nonregulated Revenues descriptions contained in the Particulars column;
 - c. Respective dollar amounts reported for the Miscellaneous Revenues category in the columns labeled Wisconsin-Based Intrastate, Wisconsin-Based Interstate, Wisconsin-Based Total, and Total Company; and
 - d. Respective dollar amounts reported for the Nonregulated Revenues category in the columns labeled Wisconsin-Based Intrastate, Wisconsin-Based Interstate, Wisconsin-Based Total, and Total Company.

Information Regarding 2003 OTH Annual Report Confidential Filings

2. Central Office Data--End of Year Schedule (p. 19).
 - a. ISDN Lines--In Use (BRI);
 - b. ISDN Lines--In Use (PRI);
 - c. xDSL--In Use (# lines);
 - d. Switched 56 lines in use;
 - e. Digital Transmission Facilities: DS-1--In Use;
 - f. Digital Transmission Facilities: DS-3--In Use;
 - g. Video Information Service--In use (# lines); and
 - h. Fiber Transmission Facilities: No. of fiber strands working (LIT) in C.O.

Eleven CLECs⁵ requested additional confidential treatment⁶ for certain information contained in their respective 2002 OTH annual reports. For the reasons stated in a Confidentiality Determination dated July 8, 2003, confidential treatment (and trade secret status as claimed by most of the CLECs) for the specifically requested data was granted on a provisional basis, without consideration of the merits of the arguments of any company contained in respective affidavits accompanying the 2002 OTH annual reports, based on the then-pending status of related court cases. Four of the CLECs also made additional filings subsequent to the July 8, 2003, Confidentiality Determination.

⁵The 11 CLECs are: MCImetro Access Transmission Services, LLC; Intermedia Communications, Inc.; KMC Telecom V, Inc.; Sage Telecom, Inc.; Enventis Telecom, Inc.; MCI WorldCom Communications, Inc.; Navigator Telecommunications, LLC; TCG Milwaukee, Inc.; TDS Metrocom, Inc.; Time Warner Telecom of Wisconsin, L.P.; and Globalcom, Inc.

⁶ Trade secret status was also claimed by most of the 11 CLECs.

Information Regarding 2003 OTH Annual Report Confidential Filings

In a Confidentiality Determination dated April 30, 2004, the Commission granted both confidential treatment (and trade secret status as claimed by most of the CLECs) to selected portions of the companies' 2002 OTH annual report filings.

In 2002, nine court cases were filed concerning previous manually-filed annual reports. The nine cases were subsequently consolidated into two cases. One court case resulted in a decision favorable to the Commission's determinations; the other court case resulted in an adverse decision. In a Confidentiality Determination dated May 11, 2004, the Commission granted confidential treatment and, where claimed, trade secret status to selected portions of 2001 manually-filed annual reports.

CLEC or VDL entities requesting confidential handling of additional portions of their 2003 OTH annual reports should be aware that, under Wis. Admin. Code § PSC 2.12, they have the burden of establishing a reasonable basis to believe that the information is exempt from disclosure under one of the grounds listed in Wis. Admin. Code § PSC 2.12(3)(a).

Dated at Madison, Wisconsin, October 5, 2004

For the Commission:

/s/ Gary A. Evenson
Gary A. Evenson
Administrator
Telecommunications Division

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